IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 12862 of 2005

Between:

Guntupalli Venkateswarlu

..... PETITIONER

AND

The Revenue Divisional Officer,

Kavali, Nellore District and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the orders of the 1st respondent issued in Rc.J.3156/2005, dated 03.06.2005, suspending the authorization of the petitioner as Fair Price Shop Dealer of Pottipally village, Kondapuram Mandal, under Clause (17) of Andhra Pradesh State Public Distribution System (Control) Order, 2001 and appointing the

3rd respondent as temporary dealer of Pottipally village, as arbitrary and illegal, the present writ petition is filed.

The petitioner's license was suspended pending enquiry under Clause (17) of Andhra Pradesh State Public Distribution System (Control) Order, 2001. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contended that the impugned proceedings itself goes to show that there are contradictory allegations. The impugned order disclose that the petitioner is residing at one place and the shop is running by Binamy at another place, and also stated that the stocks were being diverted to the black market and it is therefore contradictory statements and cannot be allowed to stand. He also contended that on the same day the 3rd respondent was appointed in his place on temporary basis, which cannot be made accepted, without calling for applications by following due procedure, and therefore, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Civil Supplies opposed the same.

The authority or jurisdiction of the Revenue Divisional Officer in placing suspension of the license of the petitioner is not under challenge. Though the learned counsel for the petitioner contended that the

1st respondent has no power to suspend the license pending enquiry under Clause 17 of Andhra Pradesh State Public Distribution System (Control) Order, 2001, quoting of wrong provision cannot be a ground to set aside the impugned

proceedings. Therefore, the suspension order is only suspension pending enquiry. The other contentions whether a binome is running the fair price shop and selling the essential commodities or not, whether stock is being diverted to the black market or not, whether the essential commodities are being sold at higher price or not, can be looked into by the Enquiry Officer and they cannot be decided by this Court. The other contention of the learned counsel for the petitioner that on the same day appointing another person is contrary to the procedure cannot be a ground to set aside the impugned proceedings. Therefore, the impugned proceedings do not suffer from any infirmities so as to call for interference by this Court. However, respondents 1 and 2 are directed to complete the enquiry, within a period of four weeks from the date of receipt of a copy of this order, after giving reasonable opportunity to the petitioner.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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K.C. BHANU,J

Dated: 29.08.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr